

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

v.

HENRY KYLE FRESE,

Defendant.

)
)
)
)
)
)

Case No. 1:19-cr-00304-LMB

**DEFENDANT’S UNOPPOSED MOTION TO TEMPORARILY AMEND CONDITIONS
OF RELEASE**

Defendant HENRY KYLE FRESE, by and through counsel, respectfully asks this Court to temporarily amend his conditions of release so that he can remain at his current residence in Philadelphia, which he shares with his court-ordered third-party custodian, while she travels out-of-town for the weekend. In support of his request, Mr. Frese offers the following:

1. On October 11, 2019, this Court released Mr. Frese to the custody of his sister as a third-party custodian. (*See* Dkt. #15).
2. Since his release, Mr. Frese has abided by all of the Court ordered conditions of release including the relevant travel restrictions.
3. On two separate occasions, this Court has granted Mr. Frese’s request to travel to the Eastern District of Virginia to attend meetings with his lawyers. *See* Dkt. # 33, 35.
4. On both occasions, this Court authorized Mr. Frese to travel outside the presence of his third-party custodian and permitted him to spend the night with a friend who resides in the Eastern District of Virginia.

5. Mr. Frese's designated third-party custodian has indicated that she would like to travel to Denver, Colorado from Friday, February 7 through Sunday, February 9, in order to visit with friends.
6. Mr. Frese therefore seeks the court's permission to remain at the Philadelphia residence in the absence of his third-party custodian so that she can travel to Colorado.
7. Mr. Frese will continue to follow all conditions imposed by this Court and will report to probation daily if so requested.
8. Undersigned counsel has spoken with government counsel who have indicated that the United States does not oppose Mr. Frese's request.

WHEREFORE based on the foregoing reasons and any others that may appear to the Court, Mr. Frese respectfully request permission to remain at his current residence in Philadelphia, PA, while his third-party custodian travels to Colorado from February 7 through February 9, 2020.

Date: February 5, 2020

Respectfully submitted,

HENRY KYLE FRESE
By Counsel,

/s/ Stuart Sears
Stuart Sears
Schertler & Onorato, LLP
901 New York Avenue, N.W.
Suite 500
Washington, DC 20001
Telephone: (202) 628-4199
Facsimile: (202) 628-4177
ssears@schertlerlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2020, I electronically filed a true copy of the foregoing motion with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all parties.

/s/ Stuart Sears
Stuart Sears
Attorney for Henry Kyle Frese
Schertler & Onorato, LLP
901 New York Avenue, N.W.
Suite 500
Washington, DC 20001
Telephone: (202) 628-4199
Facsimile: (202) 628-4177
ssears@schertlerlaw.com